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PATENT**Remarks**

The Office Action mailed May 22, 2003, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-29 and 32-47 are now pending in this application. Claims 1-47 stand rejected. Claims 30-31 have been canceled.

In accordance with 37 C.F.R. 1.136(a), a three month extension of time is submitted herewith to extend the due date of the response to the Office Action dated May 22, 2003, for the above-identified patent application from August 22, 2003, through and including November 22, 2003. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$950.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 30-38 under 35 U.S.C. § 101 as being directed to nonfunctional descriptive material is respectfully traversed. Claims 30-31 have been canceled. Claims 32-28 are submitted to satisfy the requirements of Section 101 since Claim 32 recites a computer-readable medium that performs a technical effect on the information, i.e., rules are applied to data to generate results. Accordingly, Applicants respectfully request that the rejection of Claims 30-38 under Section 101 be withdrawn.

The rejection of Claims 15-18 and 20-29 under 35 U.S.C. § 102(a) as being anticipated by Henson (U.S. Patent No. 6,167,383) is respectfully traversed.

Henson describes a configuration program for configuring a computer to be purchased. Henson does not describe nor suggest customizing and specifying a parallel switchgear system as recited in Claims 15-18 and 20-29.

Claim 15 recites a system for customizing and specifying a parallel switchgear system "comprising a device; a computer server connected to said device via a computer network and configured to receive user specifications and selected configurations; and a product configurator system configured to receive user specifications and user selected configurations, said system further configured to generate a drawing and a quotation."

Henson does not describe nor suggest a system for customizing and specifying a parallel switchgear system. In addition, Henson does not describe nor suggest a system

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configured to generate a drawing and a quotation. Rather, Henson describes a system designed to configure a computer for sale to a consumer. Accordingly, Applicants respectfully submit that Claim 15 is patentable over Henson.

Claims 16-18 and 20-29 depend from independent Claim 15 which is submitted to be in condition for allowance. When the recitations of Claims 16-18 and 20-29 are considered in combination with the recitations of Claim 15, Applicants respectfully submit that dependent Claims 16-18 and 20-29 are also patentable over Henson.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 15-18 and 20-29 be withdrawn.

The rejection of Claims 1-8, 10 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Henson (U.S. Patent No. 6,167,383) in view of Farrell et al (U.S. Patent No. 6,282,518) is respectfully traversed.

Henson is described above. Farrell et al describe a process for ordering industrial products over the Internet. Farrell does not teach nor suggest configuring paralleling switchgear equipment as recited in the pending claims.

Claim 1 recites a method for automatically customizing and specifying a parallel switchgear system using a computer network-based system including a server coupled to a centralized database and at least one client system, said method comprising the steps of: accessing a product configurator system; selecting switchgear product configurations from a plurality of user interfaces; and receiving a bill of material, a drawing and a price quotation for a parallel switchgear system.

Neither Henson nor Farrell et al, considered alone or in combination, describe or suggest the method as recited in Claim 1. More specifically, neither Henson nor Farrell, considered alone or in combination, describe or suggest a method for automatically customizing and specifying a parallel switchgear system comprising selecting switchgear product configurations and receiving a bill of material, a drawing and a price quotation for a parallel switchgear system. Rather, Henson describes a system designed to configure a computer and Farrell describes a system for ordering industrial products over the Internet. Neither Henson nor Farrell teach or suggest configuring paralleling switchgear and neither teach nor suggest receiving a bill of material, a drawing and a price quotation for a parallel

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switchgear system. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Henson in view of Farrell et al.

When the recitations of Claims 2-8, 10, and 14 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8, 10, and 14 are also patentable over Henson in view of Farrell et al.

For at least the reasons set forth above, Applicants respectfully submit that the Section 103 rejection of Claims 1-8, 10, and 14 be withdrawn.

In addition to the arguments set forth above, Applicants also respectfully submit that the Section 103 rejections of the presently pending claims are not proper rejections. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Henson using the teachings of Farrell. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combinations. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. *In re Vaack*, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Neither Henson nor Farrell, considered alone or in combination, describe or suggest the claimed combination. Rather, the Section 103 rejection of Claims 2-8, 10, and 14 appears to be based on a combination of teachings selected from multiple patents in an attempt to

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arrive at the claimed invention. Specifically, Henson teaches a method of configuring a computer for sale to a consumer; and Farrell describes a method for ordering industrial products over the Internet. Since there is no teaching nor suggestion for the combination of Henson and Farrell, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason also, Applicants request that the Section 103 rejection of Claims 1-8, 10, and 14 be withdrawn.

The rejection of Claims 9, 19, and 39-47 under 35 U.S.C. § 103(a) as being unpatentable over Henson (U.S. Patent No. 6,167,383) in view of Farrell et al (U.S. Patent No. 6,282,518), and further in view of Smith et al (U.S. Patent No. 6,052,669) is respectfully traversed.

Henson and Farrell are described above. Smith et al describe a graphical user interface to a method and system for configuring office furniture. Smith et al do not teach nor suggest a method for configuring paralleling switchgear as recited in the pending claims.

Claim 1 recites a method for automatically customizing and specifying a parallel switchgear system using a computer network-based system including a server coupled to a centralized database and at least one client system, said method comprising the steps of: accessing a product configurator system; selecting switchgear product configurations from a plurality of user interfaces; and receiving a bill of material, a drawing and a price quotation for a parallel switchgear system.

None of Henson, Farrell et al, nor Smith et al, considered alone or in combination, describe or suggest the method as recited in Claim 1. More specifically, none of Henson, Farrell et al, nor Smith et al, considered alone or in combination, describe or suggest a method for automatically customizing and specifying a parallel switchgear system comprising selecting switchgear product configurations and receiving a bill of material, a drawing and a price quotation for a parallel switchgear system. Rather, Henson describes a system designed to configure a computer; Farrell describes a system for ordering industrial products over the Internet; and Smith et al describes a user interface to a method and system for configuring office furniture. None of Henson, Farrell et al, or Smith et al teach or suggest configuring paralleling switchgear nor do they teach receiving a bill of material, a drawing

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and a price quotation for a parallel switchgear system. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Henson in view of Farrell et al.

Claim 9 depends from Claim 1. When the recitations of Claim 9 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 9 is also patentable over Henson in view of Farrell et al. and further in view of Smith et al.

Claim 15 recites a system for customizing and specifying a parallel switchgear system "comprising a device; a computer server connected to said device via a computer network and configured to receive user specifications and selected configurations; and a product configurator system configured to receive user specifications and user selected configurations, said system further configured to generate a drawing and a quotation."

None of Henson, Farrell et al, nor Smith et al describe or suggest a system for customizing and specifying a parallel switchgear system. In addition, none of Henson, Farrell et al, or Smith et al describe nor suggest a system configured to generate a drawing and a quotation. Rather, Henson describes a system designed to configure a computer for sale to a consumer; Farrell et al describe a system for ordering industrial products over the Internet; and Smith et al describe a user interface to a method and system for configuring office furniture. Accordingly, Applicants respectfully submit that Claim 15 is patentable over Henson in view of Farrell et al and further in view of Smith et al.

Claim 19 depends from Claim 15. When the recitations of Claim 19 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claim 19 is also patentable over Henson in view of Farrell et al. and further in view of Smith et al.

Claim 39 recites a computer program embodied on a computer readable medium connected to a server coupled to a centralized database and at least one client system via a network, said computer program for configuring a parallel switchgear system, comprising: a code segment that receives user registration information; a code segment that displays a graphic user interface for the user to select a parallel switchgear system configuration; a code segment that receives the user selections; a code segment that stores the selections into a centralized database; a code segment that cross-references the selections against a unique identifier; and a code segment that provides a drawing and a quotation.

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Henson in view of Farrell et al and Smith et al do not teach nor suggest a computer program as recited in Claim 39. More specifically, Henson in view of Farrell et al and Smith et al do not teach nor suggest a computer program comprising a code segment that displays a graphical user interface for the user to select a parallel switchgear system configuration, a code segment that cross-references the selections against a unique identifier, and a code segment that provides a drawing and a quotation. Rather, Henson describes a system designed to configure a computer for sale to a consumer; Farrell et al describe a system for ordering industrial products over the Internet; and Smith et al describe a user interface to a method and system for configuring office furniture. Accordingly, Applicants respectfully submit that Claim 39 is patentable over Henson in view of Farrell et al and further in view of Smith et al.

Claims 40-47 depend from Claim 39. When the recitations of Claims 40-47 are considered in combination with the recitations of Claim 39, Applicants submit that dependent Claims 40-47 are also patentable over Henson in view of Farrell et al. and further in view of Smith et al.

For at least the reasons set forth above, Applicants respectfully submit that the Section 103 rejection of Claims 9, 19, and 39-47 be withdrawn.

In addition to the arguments set forth above, Applicants also respectfully submit that the Section 103 rejections of the presently pending claims are not proper rejections. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Henson using the teachings of Farrell et al and Smith et al. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combinations. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

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None of Henson, Farrell, nor Smith et al, considered alone or in combination, describe or suggest the claimed combination. Rather, the Section 103 rejection of Claims 9, 19, and 39-47 appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Henson teaches a method of configuring a computer for sale to a consumer; Farrell et al describe a method for ordering industrial products over the Internet; and Smith et al describe a user interface to a method and system for configuring office furniture. Since there is no teaching nor suggestion for the combination of Henson, Farrell et al and Smith et al, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason also, Applicants request that the Section 103 rejection of Claims 9, 19, and 39-47 be withdrawn.

The rejection of Claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Henson (U.S. Patent No. 6,167,383) in view of Farrell et al (U.S. Patent No. 6,282,518) is respectfully traversed.

Henson and Farrell et al are described above.

Claim 1 recites a method for automatically customizing and specifying a parallel switchgear system using a computer network-based system including a server coupled to a centralized database and at least one client system, said method comprising the steps of: accessing a product configurator system; selecting switchgear product configurations from a plurality of user interfaces; and receiving a bill of material, a drawing and a price quotation for a parallel switchgear system.

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Neither Henson nor Farrell et al, considered alone or in combination, describe or suggest the method as recited in Claim 1. More specifically, neither Henson nor Farrell, considered alone or in combination, describe or suggest a method for automatically customizing and specifying a parallel switchgear system comprising selecting switchgear product configurations and receiving a bill of material, a drawing and a price quotation for a parallel switchgear system. Rather, Henson describes a system designed to configure a computer and Farrell describes a system for ordering industrial products over the Internet. Neither Henson nor Farrell teach or suggest configuring paralleling switchgear and neither teach nor suggest receiving a bill of material, a drawing and a price quotation for a parallel switchgear system. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Henson in view of Farrell et al.

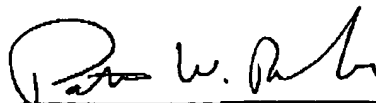
When the recitations of Claims 11-13 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 11-13 are also patentable over Henson in view of Farrell et al.

For at least the reasons set forth above, Applicants respectfully submit that the Section 103 rejection of Claims 11-13 be withdrawn.

The rejection of Claim 2 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Applicants have amended Claim 2 to overcome the § 112 rejection. Accordingly, Applicants respectfully request that the rejection of Claim 2 under Section 112, second paragraph, be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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